

Mr Nick Boles MP: Resolution Letter

Letter to Mr Simon Danczuk MP from the Commissioner, 26 March 2012

5 I have now completed my inquiries into the complaint which you sent me on 27 and 29 February against Mr Nick Boles MP in respect of his registration of a financial interest.

In essence, your complaint was that Mr Boles did not register within the required time period of 4 weeks all of the payments he received from the Institute for Government in respect to his employment by the Institute.

I have consulted Mr Boles and the Registrar of Members' Financial Interests about this matter.

10 The position is that Mr Boles registered his employment as a fellow of and freelance consultant to the Institute for Government on 8 June 2010. His entry published in the Register of 6 September 2010 recorded his annual salary in a band of £45,001-£50,000. My office had asked Mr Boles' office twice in August to tell us of any payments he had received from the Institute for Government with the number of hours worked for each payment and again on 6 September for the details of each payment received. Following a telephone
15 conversation with my office Mr Boles' office informed us on 8 September 2010 of the first and only payment which he had by then received from the Institute. This was for the four months from May to August 2010 which was paid to him on 25 August. This was duly registered on 8 September 2010 – within the 4 week time period required by the rules. This was included in the published Register of 25 October 2010. His office also informed my office in their e-mail of 8 September that Mr Boles would be paid in monthly instalments for 11
20 hours work a week, which they understood had to be “declared on a monthly basis”.

No further registrations were, however, made in respect of the Institute for Government until the registrations on 15 February 2012 on which you based your complaint. Those registrations record the actual hours worked at 20 hours a month, which is less than Mr Boles worked in the initial four month period on which the initial hours estimate was based.

25 Mr Boles' evidence is that he did not himself see the e-mail of 6 September 2010 from my office, and, while he understands from his office that he was sent a draft of his office's response of 8 September 2010, he has no recollection now of having seen it. Mr Boles' evidence is that his office had forgotten the advice given by my office that the payments had to be registered, with the hours worked, when they were received as well as their e-mail acknowledging the advice. Mr Boles believes that a genuine misunderstanding had grown up in the
30 mind of his staff despite the clear advice given by my office.

My office wrote again to Mr Boles on 31 January 2012 to ask whether or not he was still working for the Institute for Government. It was that which led to Mr Boles registering on 15 February 2012 each of the separate payments he had received from the Institute since September 2010, together with the hours worked in relation to each payment. Of these 18 entries, Mr Boles' evidence, which I accept, is that 16 of them were
35 registered late – that is all but the payments for January and February 2012.

During the course of my inquiries, I have noted that, although Mr Boles had lodged with my office a contractual agreement for services with the Institute, since these services were linked to his membership of the House, this had in fact expired in May 2011. Mr Boles has explained, however, that he has continued to work for the Institute on the same basis. Mr Boles was sent a fresh agreement in May 2011 under the same terms and conditions as his original contract. But his evidence is that he never received this. He has now sent the Registrar a revised contract and agreement for services covering a year from 1 March 2012.
40

Mr Boles was, therefore, in breach of the rules of the House in not registering within the required 4 week time period all of the individual payments he received from the Institute for Government from September 2010 to December 2011, together with the hours worked in respect of those payments. I therefore uphold your
45 complaint.

Mr Boles has accepted full responsibility for his breaches of the rules of the House. He has offered his sincere apologies. He has instituted a monthly reminder system in his electronic diary to prevent this mistake from recurring and will ensure that in future he reads closely all e-mail exchanges between my office and his.

5 I consider that Mr Boles has made a suitable response to these breaches of the rules, which I accept were unintentional and resulted from errors in his office for which Mr Boles has accepted full responsibility. In all the circumstances I do not consider that it would be proportionate for me to find that he was in breach of the rules of the House in respect of the agreement for services, particularly since his employment with the Institute has continued on the same basis. I am rectifying the late registrations by asking the Registrar to identify them in the Register of Members' Financial Interests in bold italic type, with a suitable explanatory
10 note. This will remain on the Register for 12 months or until the next printed edition, whichever is the later.

I consider Mr Boles has taken the necessary action to rectify his breach of the rules in response to your complaint. I now regard the matter as closed. I will report the outcome briefly to the Committee on Standards and Privileges at its next meeting. In due course, this letter and the relevant evidence will be placed on my parliamentary webpages.

15 I am copying this letter to Mr Nick Boles MP.

26 March 2012

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr Simon Danczuk MP, 27 February 2012

5 I wish to bring to your attention, and ask you to investigate, a possible failure by a Member of Parliament to properly register a financial interest.

In the Registers published up to and including 15 February 2012, Mr Nicholas Boles has registered 18 monthly payments of £2,216 — a total of £39,888 — between September 2010 and February 2012 from the Institute for Government, of which Mr Boles is a Political Fellow and freelance consultant. Mr Boles has been receiving payments from the Institute for Government since September 2010, but none of them were declared in previous editions of the Register.

The Parliamentary Code of Conduct states that "it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring". Yet it is clear from the most recent published Registers that Mr Boles was in receipt of 18 consecutive monthly payments from the Institute for Government before the first declaration of any such payments in February 2012.

The Parliamentary Code of Conduct goes on to state that "Any Member who has a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the House (except voting) to which the registration would be relevant until he or she has notified the Commissioner of that interest". Yet in the time that the payments from the Institute for Government were not registered Mr Boles has spoken in Parliament on a number of issues that fall within the interests of the Institute for Government.

I would be grateful if you could investigate whether Mr Boles made a false or misleading registration of his financial interests, and whether a breach of the Parliamentary rules has occurred.

27 February 2012

2. Letter to Mr Simon Danczuk MP from the Commissioner, 27 February 2012

25 Thank you for your letter of today's date with your complaint against Mr Nick Boles MP in respect of the registration of a financial interest.

You say in your letter that since September 2010 Mr Boles has spoken on a number of issues in Parliament that fall within the interests of the Institute for Government. Before considering this matter further, I would be grateful if you could provide me with the evidence, including any relevant Hansard extracts on which you based this statement.

It would be very helpful if you could let me have a response to this letter within the next two days so that I can consider further whether to initiate an inquiry into your complaint.

27 February 2012

3. Letter to the Commissioner from Mr Simon Danczuk MP, 29 February 2012

35 Thank you for your letter of 27 February, in which you ask me to provide evidence for my claim that Mr Nick Boles has spoken on a number of issues in Parliament that fall within the interests of the Institute for Government.

The Institute for Government describes itself as "an independent charity with cross-party and Whitehall governance working to increase government effectiveness". On this basis, it could be argued that any intervention by an MP which is intended to increase the effectiveness of government falls within the interests of the Institute for Government, and that Mr Boles therefore presumably intends all of his work as an MP to fall within the Institute's interests. However, I will give some specific examples.

Mr Boles spoke in a debate on ministerial statements on 5 December 2011, in which he said, amongst other things, that "I think that the ministerial code is a load of nonsense" (HC Deb, 5 December 2011, c63). The Institute for Government has produced a number of publications on the role of ministers, including *"The Challenge of Being a Minister: Defining and developing ministerial effectiveness"* (24 May 2011) and *"Nothing to do with me? Modernising ministerial accountability for decentralised public services"* (8 April 2011).

Mr Boles has served on the Pensions Bill Committee, attending all eight of its sittings. The Institute for Government's publication *"The 'S' Factors: Lessons from IFG's policy success reunions"* (3 January 2012) includes discussion of pensions reform.

Mr Boles served on the Political and Constitutional Reform Select Committee from its creation on 7 June 2010 until his discharge on 2 November 2010. During this period the Institute for Government produced a number of publications relevant to political and constitutional reform, including *"Transformation in the Ministry of Justice: 2010 Interim Report"* (16 June 2010); *"Firm foundations for a new politics? The governance of the House of Commons after the MPs' expenses crisis"* (29 June 2010); *"Read before burning: How to increase the effectiveness and accountability of quangos"* (15 July 2010); *"United we stand? Coalition government in the UK"* (16 September 2010); and *"Smaller and better? Whitehall after the cuts"* (29 October 2010).

I hope that you find this helpful, and I look forward to hearing from you.

29 February 2012

4. Letter to Mr Nick Boles MP from the Commissioner, 1 March 2012

I would welcome your help on a complaint which I have received from Mr Simon Danczuk MP in respect of the registration of your financial interest arising from your work for the Institute for Government.

I enclose a copy of the complainant's letters of 27 and 29 February and of mine to him of 27 February.

In essence, the complaint which I have accepted is that you did not register within the required time period of 4 weeks all of the payments you received from the Institute for Government in respect of your employment by the Institute.

I asked the complainant for the evidence to support his statement that since September 2010 and before the registration of your interest you had spoken on a number of issues in Parliament that fell within the interests of the Institute for Government. The complainant provided me with some instances which he considered substantiated his allegation. Having considered his evidence I have not accepted that part of the complaint which suggests that you contravened the requirement that a Member may not undertake any action to which the registration would be relevant until he or she has notified the Commissioner of that interest. This is because you did indeed notify my office of your remunerated employment by the Institute for Government and this was in the published Register of 6 September that year. You subsequently notified my office of the payment you received on 25 August 2010 in the registration you made on 8 September. I do not believe that the complainant has established sufficient grounds for extending my inquiry into the instances he has identified.

The Code of Conduct for Members of Parliament provides in paragraph 16 as follows:

"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Interests and shall always draw attention to any relevant interest in any proceeding of the House or its Committees, or in any communications with Ministers, Government Departments or Executive Agencies."

The Guide to the Rules relating to the conduct of Members makes provision for the registration of a Member's financial interests.

Paragraph 13 of the Guide to the Rules makes the following provision:

5 “...After the initial publication of the Register (or, in the case of Members returned at by-elections, after their initial registration) it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring.”

The Guide sets out the categories of registrable interests under which registration is to be made. Category 2 provides for the registration of remunerated employment. Paragraph 24 sets out the requirements for registration under this category as follows:

10 “24. All employment outside the House and any sources of remuneration which do not fall clearly within any other Category should be registered here. Members must register under this category the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

15

I enclose also copies of your relevant registration entries for 8 September 2010, 13 January 2012 and 20 February 2012.¹

20 I would welcome your comments on this complaint in the light of this summary of the relevant rules. In particular, it would be helpful if you could let me know:

1. which of the 18 payments you registered from September 2010 to February 2012 were in fact late registrations—having been registered by you outside 4 weeks from having received the payment;
2. what were the circumstances which led you to make any such late registrations;
3. what action you propose to take to avoid a recurrence.

25 Any other points you may wish to make to help me with this inquiry would be most welcome.

I enclose a note which sets out the procedure I follow. I am writing to the complainant to let him know that I have accepted his complaint. In due course I will publish on my parliamentary webpages that I am conducting this inquiry into you and the general category in which it comes. I will not be commenting further on its progress.

30 It would be very helpful if you could let me have a response to this letter within the next three weeks, or earlier if that is convenient. If there is any difficulty about this, or you would like a word about the process, please contact me at the House.

I would be most grateful for your help on this matter.

1 March 2012

35 **5. Extracts from the Register of Members' Financial Interests, 6 September 2010, 25 October 2010, 13 January 2012 and 20 February 2012 editions**

Register of 6 September 2010 (Printed Register)

BOLES, Nick (Grantham and Stamford)

¹ WE 5

2. Remunerated employment, office, profession etc

Fellow of and freelance consultant to the Institute for Government, 2 Carlton Gardens, London SW1Y 5AA. Advice on research projects, events programme, development work with MPs, ministers and special advisers. (£45,001-£50,000)

5

Register of 25 October 2010

BOLES, Nick (Grantham and Stamford)

2. Remunerated employment, office, profession etc

10 Fellow of and freelance consultant to the Institute for Government, 2 Carlton Gardens, London SW1Y 5AA. Advice on research projects, events programme, development work with MPs, ministers and special advisers. (£45,001-£50,000)

25 August 2010, received payment of £14,486.53 gross (£8,234.03 net) for May to August 2010. Hours: 176 hrs. (Registered 8 September 2010)

15 *Register of 13 January 2012 (Printed Register)*

BOLES, Nick (Grantham and Stamford)

2. Remunerated employment, office, profession etc

20 Fellow of and freelance consultant to the Institute for Government, 2 Carlton Gardens, London SW1Y 5AA. Advice on research projects, events programme, development work with MPs, ministers and special advisers. (£45,001-£50,000)

25 August 2010, received payment of £14,486.53 gross (£8,234.03 net) for May to August 2010. Hours: 176 hrs. (Registered 8 September 2010)

Register of 20 February 2012

25 **BOLES, Nick (Grantham and Stamford)**

2. Remunerated employment, office, profession etc

Fellow of and freelance consultant to the Institute for Government, 2 Carlton Gardens, London SW1Y 5AA. Advice on research projects, events programme, development work with MPs, ministers and special advisers. (£45,001-£50,000)

30 September 2010, received payment of £2,216.00 (net) for September 2010 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

October 2010, received payment of £2,216.00 (net) for October 2010 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

35 November 2010, received payment of £2,216.00 (net) for November 2010 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

December 2010, received payment of £2,216.00 (net) for December 2010 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

January 2011, received payment of £2,216.00 (net) for January 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

February 2011, received payment of £2,216.00 (net) for February 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

5 March 2011, received payment of £2,216.00 (net) for March 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

April 2011, received payment of £2,216.00 (net) for April 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

10 May 2011, received payment of £2,216.00 (net) for May 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

June 2011, received payment of £2,216.00 (net) for June 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

July 2011, received payment of £2,216.00 (net) for July 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

15 August 2011, received payment of £2,216.00 (net) for August 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

September 2011, received payment of £2,216.00 (net) for September 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

20 October 2011, received payment of £2,216.00 (net) for October 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

November 2011, received payment of £2,216.00 (net) for November 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

December 2011, received payment of £2,216.00 (net) for December 2011 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

25 January 2012, received payment of £2,216.00 (net) for January 2012 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

February 2012, received payment of £2,216.00 (net) for February 2012 from the Institute for Government. Hours: 20 hrs. (Registered 15 February 2012)

6. Letter to the Commissioner from Mr Nick Boles MP, 8 March 2012

30 Thank you for your letter, and enclosures, dated 1st March, about the complaint from Simon Danczuk MP which relates to the registration of my financial interest arising from my work for the Institute for Government.

In response to the questions you have asked:

35 1. 16 out of the 18 payments (all but the January 2012 and February 2012 payments) registered from September 2010 to February 2012 were registered late — outside the required four week period.

2. Having registered my work for the Institute for Government, with my annual salary (published in the Register in September 2010), we did not think there was anything further to declare. It was an unfortunate and incorrect interpretation of the rules which led to this administrative mistake.

40 3. My PA has put in place a monthly reminder system on my electronic diary to prevent this mistake from recurring.

Of course, I am happy to speak with you directly about any aspect of this.

8 March 2012

7. Letter to the Registrar of Members' Financial Interests from the Commissioner, 12 March 2012

5 I would welcome your help and advice on a complaint I have received against Mr Nick Boles MP in respect of the late registration of a financial interest.

In essence, the complaint is that Mr Boles did not register within the required time period of 4 weeks all of the payments he received from the Institute for Government in respect of his employment by the Institute.

I attach the relevant correspondence.

10 I would be grateful if you could confirm Mr Boles is right to accept that 16 of the 18 individual monthly payments he registered from September 2010 to February 2012 were late registrations being outside the required 4 week period. I would be grateful to know too whether you or colleagues working on the Register had any contact with Mr Boles in relation to these payments at any time before or since the first registration of the interest was published in the Register on 6 September 2010. Any other points you may wish to make
15 would be most welcome.

If you could let me have the response to this letter within a week, I would be most grateful.

12 March 2012

8. Letter to the Commissioner from the Registrar for Members' Financial Interests, 13 March 2012

20 Thank you for your letter of 12 March in which you ask for my comments on two matters in connection with this inquiry. You ask first whether Mr Boles is right to accept that he was late in registering 16 of the 18 individual monthly payments which he received from the Institute for Government between September 2010 and February 2012. I confirm that these registrations were late. His registration of the January 2012 payment would also have been late if that payment was received before 18 January 2012.

25 You ask whether we had any contact with Mr Boles in relation to these payments before or since the first Register of this Parliament. Our records show that after Mr Boles submitted his initial registration form on 8 June 2010, we had a number of telephone and email conversations with his office. I enclose copies of those records which are relevant. As you will see, we asked Mr Boles on 5 and 31 August to supply details of any payments he had received from the Institute for Government since the General Election. A member of staff
30 here also emailed his office on 6 September 2010 "...please be sure to send me the details of each payment received from the Institute for Government." An official from Mr Boles' office responded in the following terms on 8 September:

35 *"[Mr Boles] would also like to confirm the first and only IfG payment received so far – a one off payment for work done in May/June/July and August. £8,234.03(net)² was paid to [Mr Boles] on 25 August. Can I pass on the gross amount when we have this available – apologies for a delay on this. The number of hours worked: 176 hours (including weekends) – 11 hours a week for 16 weeks. Thereafter [Mr Boles] will be paid an annual salary of £45,600 gross, in monthly instalments, for 11 hours work a week, which we understand has to be declared on a monthly basis."*

40 This payment was registered on 8 September 2010.

² Later corrected to £14,486.53 gross

While Mr Boles registered a number of other interests between September 2010 and January 2012, he did not register any further payments from the Institute for Government until 15 February this year, when he registered the 18 payments which are the subject of this complaint. That registration was prompted by an approach from this office. We had asked Mr Boles on 31 January 2012 to confirm whether he was still
5 working for the Institute, with a view to removing the item from his entry if it was no longer current. The official from Mr Boles' office responded as follows:

“Thank you for your email – and apologies if I have misunderstood your question. [Mr Boles] is still working for the Institute for Government. I checked [his] entry for December 2011 and [his] work for the IfG was included plus the level of remuneration – please can this continue.”

10 We therefore explained again the requirement to register each payment, and the associated hours, within 28 days of receipt. Mr Boles' office supplied, on 15 February, details of the 18 missing payments. I attach a copy of the relevant exchanges of emails from January/February 2012, together with the relevant emails from 2010.³

I should add that in 2010 we asked Mr Boles to supply a copy of an agreement for the provision of services, which he did on 18 August 2010. In the course of responding to your enquiry I have noticed that the
15 document we hold is a fixed term agreement which expired on 9 May 2011 (copy attached).⁴ I have therefore asked him for a current agreement to replace this.

Please let me know if you require any further information.

13 March 2012

20 **9. Contact of Employment between the Institute for Government and Mr Nick Boles MP**

CONTRACT OF EMPLOYMENT

BETWEEN

INSTITUTE FOR GOVERNMENT (the Institute) (a company limited by guarantee) of 2 Carlton Gardens, London SW1Y 5AA

25 and

NICK BOLES of [address]

1. Employer

Your employer is the Institute.

2. Start Date, Fixed Term and Continuous Employment

30 2.1 Your employment commenced on 10 May 2010 and subject to paragraph 10, will last for a fixed term of one year expiring on 9 May 2011 (the **Fixed Term**).

2.2 No employment with any previous employer will count as part of your continuous employment with The Institute.

3. Job Title and Duties

35 3.1 Your job title will be Institute for Government Political Fellow. Your duties are set out in Annex 1. You may, in addition, be required to take on additional or other duties or activities as reasonably required by the Institute, subject to the provisions of this paragraph 3.

³ WE 10 to 21

⁴ WE 9

3.2 You will report to the Deputy Director and will comply with all reasonable and lawful requests and instructions and will keep him fully informed (in writing, if so requested) of all matters relating to your responsibilities and the affairs of The Institute.

5 3.3 The Institute acknowledges that, as an MP, you are bound by the House of Commons Code of Conduct (the **Code**) and that your obligations as an MP and/or under the Code must take precedence at all times over any obligations you owe the Institute. Where your obligations as an MP give rise or are likely to give rise to any conflict with your obligations to the Institute, you should notify the Institute Deputy Director as soon as practicable, so that both you and/or the Institute can take all reasonable steps (subject always to your obligations as an MP) to ensure that any prejudice to the Institute that might be caused as a result is eliminated or reduced as much as practicable.

10

3.4 Subject to paragraph 3.3, you will not, during your employment, either on your own account or for any other person, firm, company or association, in any capacity whatsoever, be engaged in, or provide services to, any business or engagement other than that of The Institute except with the prior consent in writing of the Director.

15 3.5 Subject to paragraph 3.3, you confirm that you have disclosed fully to the Institute all circumstances in respect of which there is or might be a conflict of interest between the Institute and you or your Immediate Relatives and you agree to disclose fully to the Institute any such circumstances, which may arise during your employment. For the purposes of this paragraph 3.5, "Immediate Relatives" means husband, wife, partner (including civil partner), children (including stepchildren), brothers, sisters, cousins, aunts, uncles, parents, grandparents and those same relatives by marriage.

20

3.6 During your employment you will not, without the consent of the Director (or such other person as he may notify to you), communicate to the press or other media any comment, opinion or information whatsoever regarding The Institute or its affairs.

4 Location

25 You will be based at the Institute's offices at 2 Carlton Gardens, London SW1Y 5AA or at such location in Inner London (whether on a temporary or permanent basis) as the Institute may notify to you. Although based at the Institute's offices you may work in other locations of your choice where necessary.

5 Days and hours of work

30 5.1 The Institute's normal office hours are 9.00 am to 5.30 pm, Monday to Friday (inclusive), with one hour for lunch. You will be required to devote the equivalent of 1½ days per week to your duties averaged over the Fixed Term, at such times as The Institute may reasonably require, unless prevented by ill health and subject to the provisions of paragraph 3.3.

35 5.2 You agree that if necessary, and as the occasion requires, you will work outside these hours and work such reasonable additional hours as are necessary satisfactorily to complete your duties and satisfy the business interests of The Institute. You are not entitled to any additional remuneration for any hours worked outside normal working hours.

6 Remuneration

6.1 Your current annual salary is £45,600.00, payable by monthly instalments in arrears at the end of each month.

40 6.2 The Institute may deduct from your salary or any other moneys payable to you any sums owing at any time by you to The Institute.

[Material not relevant to the inquiry]

Annex 1 – Outline of Duties

- 45 • To support the L&D work of the Institute, such as the Institute's programmes for Ministers, SpAds and new MPs (with [name]).

- To engage and provide challenge to Institute research projects, and particularly the ongoing ‘Transformation’ and ‘Future Department’ work.
- To support and co-author a piece of work on ‘Implementation and Transition’, examining this and previous government’s ability to implement the policy ideas they had developed in Opposition. This will deepen the already planned follow-up to the transitions project led by [name], with whom you should liaise.

[Material not relevant to the inquiry]

Signed 29 July and 1 August 2010

10. E-mail to Mr Nick Boles MP from the Assistant to the Registrar of Members’ Financial Interests, 5 August 2010

Thank you for completing and returning the registration form, received on 8 June.

You have said that you are a Fellow of the Institute of Government, and you also work as a freelance consultant for the institute. From the work description you have given, you could be said to provide services in the capacity of a Member of Parliament. I must therefore ask you to send us an agreement for the provision of services (attached below).⁵ Please ask a representative of the company to complete and sign the agreement.

Please tell me of any payments you have received from the Institute of Government [...] since the general election, together with the number of hours’ work you did for each payment.

[Material not relevant to the inquiry]

I have updated the Register and a copy of the revised entry is attached below.⁶ Please verify that it is correct. The entry will be included in the next version of the Register.

Any changes to your Register entry should be notified to this office within four weeks of a change occurring.

For the avoidance of doubt I should point out that in Category 2 the requirement to register all payments received refers to payments for any type of work, whether or not related to membership of the House. The reference to work done in a parliamentary capacity applies only to the requirement to register a salary band.

I should also remind you of the requirement to declare relevant interests when appropriate, for example when participating in a debate or signing an EDM. For further information about this please refer to the note by the Registrar of Members’ Financial Interests issued in the information pack from this office.

5 August 2010

11. E-mail to Mr Nick Boles MP from the Assistant to the Registrar of Members’ Financial Interests, 31 August 2010

Thank you for your email of 18 August, in which you sent a copy of your employment contract with the Institute of Government.

The employment contract you sent covers everything we need. However, I should point out that this document will be made available to the public, so I will redact your home address from the contract. I am afraid there are some inconsistencies between the contract and the registration form that you sent to us on 8 June. In the contract, your salary is given as £45,600, but in the form you said you expected £20-25,000. Also, the contract states that you will be required to work 1.5 days per week, but in the form you said it would be 4 hours per week while Parliament is sitting, and 2 days per week during the recess. I would be grateful if you

⁵ Not included in the written evidence

⁶ Not included in the written evidence

could confirm which is correct. I note that you have not yet registered any payments from the Institute, and I would be grateful if you could tell me of any payments that have been made, together with the hours worked in the period to which each payment relates.

[Material not relevant to the inquiry]

5 31 August 2010

12. E-mail to the office of Mr Nick Boles MP from the Assistant to the Registrar of Members' Financial Interests, 6 September 2010

10 Thank you for your telephone call earlier today, clarifying that the salary of Mr Boles' post at the Institute for Government is £45,600. I have changed the salary band in Mr Boles' Register entry, and a copy of the revised entry is attached below. Please verify that the details are correct. The amendment will be included in the next version of the Register.

[Material not relevant to the inquiry] ...please be sure to send me the details of each payment received from the Institute for Government. We are planning to publish the Register later this month, so I would be grateful if you could send me this information by Wednesday.

15 **BOLES, Nick (Grantham and Stamford)**

2 Remunerated employment, office, profession etc

20 Fellow of and freelance consultant to the Institute for Government, 2 Carlton Gardens, London SW1Y 5AA. Advice on research projects, events programme, development work with MPs, ministers and special advisers. (£45,001-£50,000)

[Material not relevant to the inquiry]

6 September 2010

25 13. E-mail to the Assistant to the Registrar of Members' Financial Interests from the office of Mr Nick Boles MP, 8 September 2010

We spoke yesterday afternoon about Nick Boles's entry in the Register.

[Material not relevant to the inquiry]

30 Nick would also like to confirm the first and only IfG payment received so far - a one-off payment for work done in May/June/July and August. £8,234.03 (net) was paid to Nick on 25 August. Can I pass on the gross amount when we have this available - apologies for a delay on this. The number of hours worked: 176 hours (including weekends) — 11 hours a week for 16 weeks.

Thereafter, Nick will be paid an annual salary of £45,600.00 gross, in monthly instalments, for 11 hours' work a week, which we understand has to be declared on a monthly basis

8 September 2010

35 14. E-mail to Mr Nick Boles MP from the Executive Assistant to the Registrar of Members' Financial Interests, 31 January 2012

40 I would be grateful if you could let me know whether or not you are still working for the Institute for Government. The last payment entry, registered on 8 September 2010, has been removed from the Register. Please let us know if you have received any payments from the Institute since that date, and if so let me have the details.

31 January 2012

15. E-mail to the Executive Assistant to the Registrar of Members' Financial Interests from the office of Mr Nick Boles MP, 1 February 2012

5 Thank you for your email — and apologies if I have misunderstood your question. Nick is still working for the Institute for Government.

I checked Nick's entry for December 2011 and Nick's work for the IfG was included plus the level of remuneration —please can this continue.

1 February 2012

10 **16. E-mail to the office of Mr Nick Boles MP from the Executive Assistant to the Registrar of Members' Financial Interests, 1 February 2012**

Thank you. Has Mr Boles received any payments since September 2010? If so, they should have been registered each time he received them.

15 1 February 2012

17. E-mail to the Executive Assistant to the Registrar of Members' Financial Interests from the office of Mr Nick Boles MP, 1 February 2012

20 I am sorry but there must have been a misunderstanding — Nick receives the amount that is stated in the entry - every month (since September 2010 — when he was first employed by the IfG). It is a continuous salary. What needs to be done, please?

1 February 2012

25 **18. E-mail to the office of Mr Nick Boles MP from the Executive Assistant to the Registrar of Members' Financial Interests, 1 February 2012**

Members are required by the rules to register each time they receive a payment, showing the hours worked for that payment. So Mr Boles should have registered every time he received a payment. Please could you let us have that information and we will update the entry

1 February 2012

30 **19. E-mail to the Executive Assistant to the Registrar of Members' Financial Interests from the office of Mr Nick Boles MP, 2 February 2012**

35 Thank you for explaining how the IfG entry should be registered. We will now keep tabs on this. Should we submit Nick's annual payment in quarterly instalments which would mean five identical entries to the one already in the Register?

2 February 2012

20. E-mail to the office of Mr Nick Boles MP from the Executive Assistant to the Registrar of Members' Financial Interests, 6 February 2012

5 Mr Boles should let us know each time he receives a payment and the time spent in relation to that payment. If he is paid quarterly for IfG then he should let us know within four weeks of receiving each payment.

6 February 2012

10 **21. E-mail to the office of Mr Nick Boles MP from the Executive Assistant to the Registrar of Members' Financial Interests, 6 February 2012**

Thank you for your phone call today asking how Mr Boles should register any payments from the Institute of Government which have not so far been registered.

15 Mr Boles should register any individual payments which he has received since his election, together with the hours worked for each payment. As we discussed, one entry was made in September 2010 which identified a payment for May to August 2010. There is no need to repeat this entry as it has appeared in a printed Register and has now been deleted.

It appears from our records that the requirement to register each payment was brought to Mr Boles' attention on several occasions in 2010. Please let me have a list of the missing payments so that the Register entry can be updated as soon as possible.

20 Thank you.

6 February 2012

22. Letter to Mr Nick Boles MP from the Commissioner, 14 March 2012

25 When I last wrote to you on 12 March, I said that I was consulting the Registrar of Members' Financial Interests following your letter to me of 8 March about this complaint.

I have now received the Registrar's response. I enclose a copy of her letter of 13 March and its attachments.

30 As you will see, the Registrar's office identified the registration requirements for Members' outside employment in three e-mails which they sent to your office in August and September 2010. And on 8 September 2010, following a discussion the previous day, your office informed the Registrar's office that they understood that the monthly payment received from the Institute for Government "has to be declared on a monthly basis." But no such monthly registrations were made. When this was followed up at the end of January this year, the same person in your office e-mailed the Registrar's office to say "there must have been a misunderstanding."

35 I am having some difficulty in reconciling the explanation in your letter of 8 March that it was an unfortunate and incorrect interpretation of the rules which led to the administrative mistake over registration, given that in September 2010 your office said they understood that the payments had to be declared on a monthly basis. I would be very grateful if you could help me in clarifying this matter including which rule was incorrectly interpreted.

40 It would be helpful also if you could let me know whether you were aware of the terms of the exchanges between the Registrar and your office in August and September 2010 and again in January 2012 either at the time or before writing your letter to me.

The Registrar's letter raises also two ancillary points:

1. could you confirm that the January payment was received by you on or after 18 January 2012, that is within 4 weeks of its registration on 15 February 2012;
2. could you confirm that the agreement for services which you lodged with the Registrar on 18 August 2010 did indeed expire on 9 May 2011 and, if so, whether the contract was renewed in identical terms (including the reference to the Code of Conduct) and the reasons why you did not seem to have sent the Registrar a current agreement following the expiration of the former one on 9 May 2011.

It would be very helpful if you could let me have a response to this letter within the next two weeks, or earlier if that would be convenient.

I am grateful for your continued help on this matter.

10 *13 March 2012*

23. Letter to the Commissioner from Nick Boles MP, 15 March 2012

Thank you for your letter of 14th March.

15 I am very sorry for the sloppiness in my administration that your inquiry has revealed. This is the first time that I have seen [the Assistant to Registrar's] email of 6 September 2010, in which he advised that we needed to register each payment from the Institute for Government (IfG), because I do not check my parliamentary email in person and only see emails that are forwarded to my private email account. I understand that I was sent a draft of [Mr Boles' office's] email reply of 8 September 2010, in which she acknowledged [the Assistant to Registrar's] advice in the last line, but I am afraid that I have no recollection of seeing it. From now on, I will make sure that all email exchanges with the Registrar are forwarded to my private email account and will be sure to read them closely.

20 I have made enquiries in my office and [a staff member in Mr Boles' office] says that she had completely forgotten about [the Assistant to Registrar's] email of 6 September 2010 and her acknowledgement of his advice in her email of 8 September 2010. So, when she advised me that she had misunderstood the rules, she had no recollection of receiving [the Assistant to Registrar's] advice on this. [Staff in Mr Boles' office] has been working in the House of Commons for many years and is utterly trustworthy so there is no reason to doubt her word. I would further point out that, at the time in question, she was wrestling with the new IPSA expenses system and was under a great deal of pressure. I am sure that the Registrar will confirm that she has been scrupulous in declaring all of my other earnings (which all relate to one-off payments rather than salaried employment) on time and in full, so I think it is clear that a genuine misunderstanding had grown up in her mind, despite [the Assistant to Registrar's] clear advice.

25 In telling you this, please understand that I take full responsibility for this lapse and am not trying to shift the blame onto one of my staff. I accept that it is my duty, and my duty alone, to ensure that the Register is kept up to date and that all the rules are being observed. I am simply trying to explain the discrepancy between the statement I made in my letter of 8 March 2012 and the email exchanges between my office and the Registrar which you have brought to light. [A staff member in Mr Boles' office] is very happy to be interviewed by you or one of your staff, if this would help you complete your investigations, as, of course, am I.

30 Finally, as regards my failure to declare the monthly payments from the IfG, I would like to point out that the original entry on the Register did make clear that I received annual remuneration of £45,001-50,000 from the IfG and I understand that this entry remained on the Register throughout the period in question, so I do not believe that the public or Parliament was in any way misled as to the extent of my remuneration by the IfG as a result of my regrettable breach of the rules.

35 With regards to the two further points raised by the Registrar, I can confirm that the January payment was paid into my bank account on 25th January 2012 and therefore within 4 weeks of its registration on 15 February 2012. I am afraid that neither I nor the Institute for Government were aware that my Contract with them expired on 9 May 2011. I have continued to work with them on the same basis and they have continued to pay me my salary each month. I have now brought this to the attention of their operations director, who

joined the IfG since my contract started, and we will conclude a new agreement and send copies of it to you and to the Registrar as soon as I receive it.

Please can I reiterate my sincere apologies for my breach of the rules on declarations of financial interests. I hope that you will accept that it was a result of human error and inattention and not of any desire to conceal.

5 15 March 2012

24. Letter to the Commissioner from Nick Boles MP, 19 March 2012

10 Further to my letter of 15th March, I would like to provide further clarification of the situation with regard to my contract of employment with the Institute for Government (IfG) following a meeting this morning with [name], the IfG's director of operations. Although the first person I spoke to at the IfG last week was, like me, not aware of the fact that my contract was for a limited term, [the Director of Operations] told me that he had been aware of this and had sent me the enclosed letter on 9th May 2011, extending the contract for a further 12 months. Unfortunately, I never received the letter.

15 In order to provide the Registrar with the necessary documentation and reassurances, the IfG and I have concluded a new contract, which I enclose, and the IfG has also issued a new version of the agreement for the Provision of Services to confirm that I am not expected to engage in any form of advocacy. I hope that this is satisfactory.

I am sending a copy of this letter and accompanying documents to the Registrar for their records.

19 March 2012

25. Contract of Employment and agreement for services between the Institute for Government and Mr Nick Boles MP

20 CONTRACT OF EMPLOYMENT

BETWEEN

INSTITUTE FOR GOVERNMENT (the Institute) (a company limited by guarantee) of 2 Carlton Gardens, London SW1Y 5AA

25 and

NICK BOLES of [address]

1 Employer

Your employer is the Institute.

Start Date and Continuous Employment

30 2.1 This revised contract commenced on 1st March 2012 and subject to paragraph 10, will last for a fixed term of one year expiring on 28th February 2013 (the Fixed Term). The contract may be renewable at the end of the fixed term. The contract supercedes the existing fixed term contract running to 9th May 2012.

35 2.2 No employment with any previous employer will count as part of your continuous employment with The Institute. Your employment under a previous fixed term contract ending on 9th May 2011 and one which commenced on 10th May 2011 as Political Fellow with the Institute will count as continuous employment with the Institute.

3 Job Title and Duties

3.1 Your job title will be Institute for Government Political Fellow. Your duties are set out at Annex 1.

3.2 You will report to the Director of the Institute and will comply with all reasonable and lawful requests and instructions and will keep them fully informed (in writing if so requested) of all matters relating to your responsibilities and the affairs of The Institute.

5 3.3 The Institute acknowledges that, as an MP, you are bound by the House of Commons Code of Conduct (the **Code**) and that your obligations as an MP and/or under the Code must take precedence at all times over any obligations you owe the Institute. Where your obligations as an MP give rise or are likely to give rise to any conflict with your obligations to the Institute, you should notify the Institute's Director as soon as practicable, so that both you and/or the Institute can take all reasonable steps (subject always to your obligations as an MP) to ensure that any prejudice to the Institute that might be caused as a result is eliminated or reduced as far as practicable.

10 3.4 Subject to paragraph 3.3, you will not, during your employment either on your own account or for any other person, firm, company or association, in any capacity whatsoever, be engaged in, or provide services to, any business or engagement other than that of The Institute except with the prior consent in writing of the Director.

15 3.5 Subject to paragraph 3.3, you confirm that you have disclosed fully to The Institute all circumstances in respect of which there is or might be a conflict of interest between the Institute and you or your Immediate Relatives and you agree to disclose fully to the Institute any such circumstances, which may arise during your employment. For the purposes of this paragraph 3.5, "Immediate Relatives" means husband, wife, partner (including civil partner), children (including stepchildren), brothers, sisters, cousins, aunts, uncles, parents, 20 grandparents and those same relatives by marriage or civil partnership.

3.6 During your employment you will not, without the consent of the Director (or other such person as he may notify to you), communicate to the press or other media any comment, opinion or information whatsoever regarding the Institute or its affairs.

4 **Location**

25 You will be based at the Institute's offices at 2 Carlton Gardens, London, SW1Y 5AA or other such offices in Central London (whether on a temporary or permanent basis) as the Institute may require. Although based at the Institute's offices you may work in other locations of your choice where necessary.

5 **Hours of work**

30 5.1 The Institute's normal office hours are 9.00 am to 5.30 pm Monday to Friday (inclusive), with one hour for lunch. You will be required to devote the equivalent of 1½ days per week to your duties averaged over the Fixed Term, at such times as The Institute may reasonably require, unless prevented by ill health and subject to the provisions of paragraph 3.3.

35 5.2 You agree, that if necessary, and as the occasion requires, you will work outside these hours and work such reasonable additional hours as are necessary satisfactorily to complete your duties and satisfy the business interests of The Institute. You are not entitled to any additional remuneration for any hours worked outside normal working hours.

6 **Remuneration**

6.1 Your current annual salary is £45,600, payable by monthly instalments in arrears on or before the 25th of each month.

40 6.2 The Institute may deduct from your salary or any other moneys payable to you any sums owing at any time by you to The Institute.

[Material not relevant to the inquiry]

Annex 1 - Outline of Duties

Political Fellow

- To support the L&D work of the Institute, such as the Institute's programmes for Ministers, SpAds and new MPs.
- To engage and provide challenge to Institute research projects, and also the focus of our work by attending Monday Morning Meetings discussing events and blogs being considered by the Institute.

5 [Material not relevant to the inquiry]

Agreement for the provision of services from March 2012

Between Nick Boles MP and Institute for Government of 2 Carlton Gardens, London SW1Y 5AA.

We pay £45,600.00 per annum, payable by monthly instalments in arrears at the end of each month.

The services we expect Nick Boles MP are the following:

10 To support the L&D work of the Institute, such as the Institute's programmes for Ministers, SpAds and new MPs.

To engage and provide challenge to Institute research projects, and also the focus of our work by attending Monday Morning Meetings discussing events and blogs being considered by the Institute.

15 We do not expect Nick Boles MP to engage in any form of advocacy as defined in the Resolution of the House of Commons of 6th November 1995.

Signed 19 March 2012

26. Letter to Mr Nick Boles MP from the Commissioner, 19 March 2012

20 Thank you for your further letter of 19 March with your current contract of employment, as promised in your letter of 15 March. Before I am able to conclude this matter, however, I need your help on one point which arises from comparing your contract to your registration entry.

25 Your registration entries identify that you worked 20 hours a month for the Institute. Paragraph 5.1 of your contract, however, says that “you will be required to devote the equivalent of 1½ days per week to your duties averaged over the Fixed Term...” Could you confirm that in fact you have been doing less than your contracted hours, namely that you are working 20 hours a month, or alternatively that your Register entry is incorrect and should show something like 40 hours a month (i.e. roughly 1½ days per week). If your Register entry is incorrect, then it would be helpful to know how this mistake occurred.

I would be very grateful for your clarification of this point if possible by return, so that I can move to the resolution of this matter.

30 Thank you for your help.

19 March 2012

27. Letter to the Commissioner from Mr Nick Boles MP, 21 March 2012

35 The hours I declare in the Register reflect the actual number of hours that I have been devoting to my employment with the Institute for Government (IfG) since September 2010. As the Register makes clear, I worked with the IfG for 4 months from May-August 2010. In the early months of the Coalition, my commitments to the IfG were quite intense (although they fluctuated considerably) and I calculated that, during that time, I worked for an average of 11 hours a week on IfG business. This then formed the basis for the employment contract that was drawn up by the IfG during the course of August but which was backdated to May 2010. Since August 2010, my time commitment to the IfG has been substantially reduced and I
40 thought it right to adjust the time quoted in the Register, when we finally registered the monthly payments in

February 2012. The directors of the IfG are well aware that I have been spending much less than 1.5 days a week on IfG business and have raised no objection but they retain the contractual right to ask me to spend more time. If they were to do this, I would of course adjust the figure quoted in the Register accordingly.

I hope that this provides the clarification that you require.

5 21 March 2012

28. Letter to Mr Nick Boles MP from the Commissioner, 21 March 2012

10 Thank you for your letter of 15 March responding to mine of the previous day and for your further letters of 19 March and 21 March.

I was most grateful for these responses. I have noted the explanation you have given me about the change in the hours worked after August 2012 (although I understand from the Registrar that your 2010 agreement was signed by the Institute on 29 July 2010 and by you on 1 August 2010, so I assume the agreement was drawn up in July and not August as your letter suggests).

15 Thank you for offering to give oral evidence and I am grateful to your assistant for making the same offer. Having carefully considered all the evidence you have sent me, however, I have concluded that I can now bring my inquiries to a conclusion without the need to ask either of you to give oral evidence.

20 In the light of your evidence, and with your agreement, I consider that this complaint can be properly resolved through the rectification procedure. This procedure provides that if the Member has accepted that he or she has breached the rules and taken the necessary action to rectify the matter, I can resolve it at that stage without the need for a formal memorandum which would need to be considered by the Committee on Standards and Privileges. The Committee expects that the Member should apologise, which of course you have done. I would need to accept that the breach was at the less serious end of the spectrum. In this case, I note that you had registered the interest in your first registration of the new Parliament in June 2010 and that you also registered the first payment you received on 25 August 2010 within the required time limit of 4 weeks. I accept your evidence that the subsequent failure to register your Institute payments in time was inadvertent.

25 I have noted the position in respect of the agreement for services with the Institute, but consider that it would be disproportionate to find you in breach of the rules for not submitting an up-to-date agreement given that you have continued to work with the Institute on the same basis. I was grateful to have your further letter of 30 19 March with the revised agreement: it is clearly unfortunate that you did not receive the contract of 9 July 2011 which the Institute sent you.

35 I was grateful to see the action which you have taken in your office to prevent a recurrence of these late registrations. The rectification action the Registrar would take would be to put your late entries in bold, italic type in the next edition of the Register, with an explanatory note so that the reader would know that its late registration had been rectified in this way. An entry in this format would remain in the register for 12 months or until the next printed edition, whichever is the later.

40 I attach a draft of the letter which I would propose to send the complainant if you agree to my concluding this complaint through the rectification procedure. If you were not to agree, then I would need to prepare a formal memorandum to the Committee on Standards and Privileges. While the content of the attached letter is, of course, a matter for me, I would be grateful to know whether you have any comments on the factual accuracy of the draft.

45 Subject to your agreement to the rectification procedure, and to any factual comments you may wish to make on the draft, I would then propose to write to the complainant and close the complaint. I would report the outcome briefly to the Committee on Standards and Privileges at its next meeting. In due course, my letter to the complainant and the relevant evidence would be placed on my parliamentary webpages.

Thank you again for your continued help in resolving this matter and I look forward to hearing from you shortly.

21 March 2012

5 **29. Letter to the Commissioner from Mr Nick Boles MP, 22 March 2012**

Thank you for your letter dated 21st March I am grateful for your speedy response.

I am happy with the factual accuracy of the draft that you are proposing to write to the complainant and for you to conclude this complaint through the rectification procedure.

22 March 2012